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September 27, 2006

Bingham McCutchen LLP
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Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

202.424.7500
202.424.7647 fax

Re: WC Docket No. 06-55

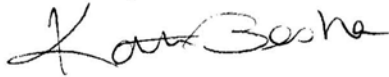
bingham.com

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this will provide notice that on September 26, 2006, the undersigned and Stephen W. Crawford, General Counsel and Senior Vice President, Alpheus Communications, L.P., met with Jeremy Miller, Victoria A. Goldberg, Albert Lewis, Jennifer Schneider and Jennifer McKee of the Wireline Competition Bureau. Alpheus presented its views regarding the importance of the wholesale carrier competition issues raised in the above captioned docket as set forth in the attached presentation provided to the Bureau staff.

Boston
Hartford
London
Los Angeles
New York
Orange County
San Francisco
Silicon Valley
Tokyo
Walnut Creek
Washington

Sincerely,



Joshua M. Bobeck
Katie B. Besha

Counsel for Alpheus Communications, L.P.

cc (letter only):

Jeremy Miller (jeremy.miller@fcc.gov)
Victoria A. Goldberg (victoria.goldberg@fcc.gov)
Albert Lewis (albert.lewis@fcc.gov)
Jennifer Schneider (jennifer.schneider@fcc.gov)
Jennifer McKee (jennifer.mckee@fcc.gov)



ALPHEUS

Wireline Competition Bureau
WC Docket 06-55
Wholesale Carrier Competition
September 26, 2006



Who We Are...

Alpheus is the competitive telecommunications back bone for Metro Texas.

Our \$340 million Texas network investment connects information, people and ideas over our state-of-the-art broadband backbone that is lightning fast, content neutral, and protocol agnostic.

What we do:

- **Bandwidth**
- **Interconnection**
- **Metrolocity (virtual meet-me-room)**
- **Colocation services**
- **Intrastate long haul**

How we do it:

- **Protocol agnostic/application independent network for voice, data and video transmission**
- **Headquartered in Houston with principal operations within 6 major cities in Texas**
- **One of a kind, deep metro network coverage within our service areas**



Our Texas Network

Over 3 Million Fiber Miles

Robust, reliable and cost-effective deep metro network deployed in the six major metropolitan areas of Texas:

Houston	Corpus Christi	Dallas
San Antonio	Austin	Fort Worth

- Cross connected with over 200 carrier facilities.
- Network is proximate to hundreds of enterprise and building connections.
- Hub and spoke architecture/physically diverse fibers.
- Colocated in a majority of the AT&T Central Offices (“COs”) within our Texas markets.
- Equipped with next generation DWDM and SONET technology.



Our Texas Network (cont'd)

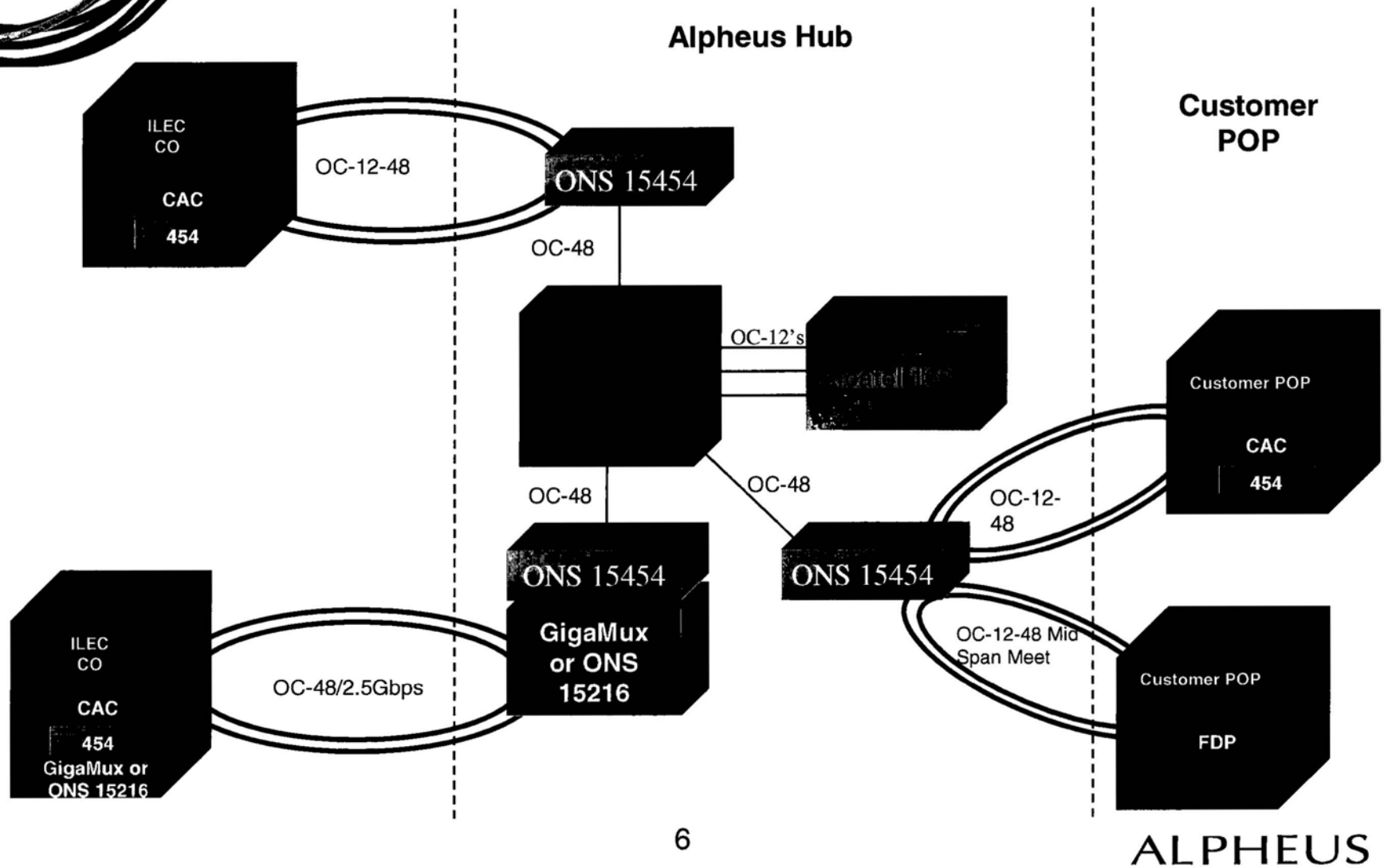
- Deep metro footprint.
- Deployed a CBD/metro “thick” fiber network to connect to major POPs, carrier hotels and central offices.
- Core network is connected with 100% buried fiber optic cable.



Who Uses Alpheus?

- Wireless carriers who want to tie their network together efficiently.
- Switch-based carriers who need to deliver VoIP and broadband service.
- Over-builders who need to extend their service area.
- Enterprise accounts who want vendor diversity in their networks.
- Public sector entities that want reliable, cost effective bandwidth.
- WiFi/WiMax/CMRS providers (over 1400 nodes).

Network Topology and Equipment





Alpheus Hub Facilities

Best of Class Reliability:

- Highly redundant and disaster ready facility
- Carrier grade design and construction
- Secure caged colocation
- 24/7 monitoring

Locations:

- **Houston:** 1010 Travis
- **Dallas:** 2323 Bryan
- **Austin:** 1905 E. 6th Street
- **San Antonio:** 800 Navarro





Alpheus NOCC

- State of the art Fault Management
- Proactive trouble resolution
- 24/7/365
- Staffed by industry veterans
- Extraordinary customer service
- Main facility in Houston with DR/backup facility in Austin





Section 251 Does Not Discriminate Between Wholesale and Retail Telecommunications Services

- **Interconnection obligations apply to “telecommunications carriers.”**
- **A “telecommunications carrier” is an entity that offers telecommunications to the public or a subset thereof. If an entity meets this definition, then it is entitled to interconnection pursuant to section 251.**
- **It does not matter who the customers are - or how many customers there are-- for a particular “telecommunications carrier”; instead, it is how the service is offered. Wholesale carriers’ services are properly classified as “telecommunications services” under the Act.**
- **Identity of the carrier's customer is irrelevant to the analysis- nothing in the Act invites analysis of who *buys* service or what they do with the service.**



FCC and Courts

- The FCC has already determined that wholesale services are properly classified as “telecommunications services.”
 - *Wireline Broadband Order*, found that facilities-based providers of broadband Internet may offer transmission services on a common carrier basis on a wholesale or retail basis.
 - *Non-Accounting Safeguards Order* rejected claim that wholesale telecommunications services are not “telecommunications services.”
 - *Universal Service Order* found that “telecommunications services” include services offered to other carriers, such as exchange access.
- The D.C. Circuit held, in *Virgin Islands*, that the term “telecommunications services” was not intended to create a wholesale/retail distinction.



Texas Experience

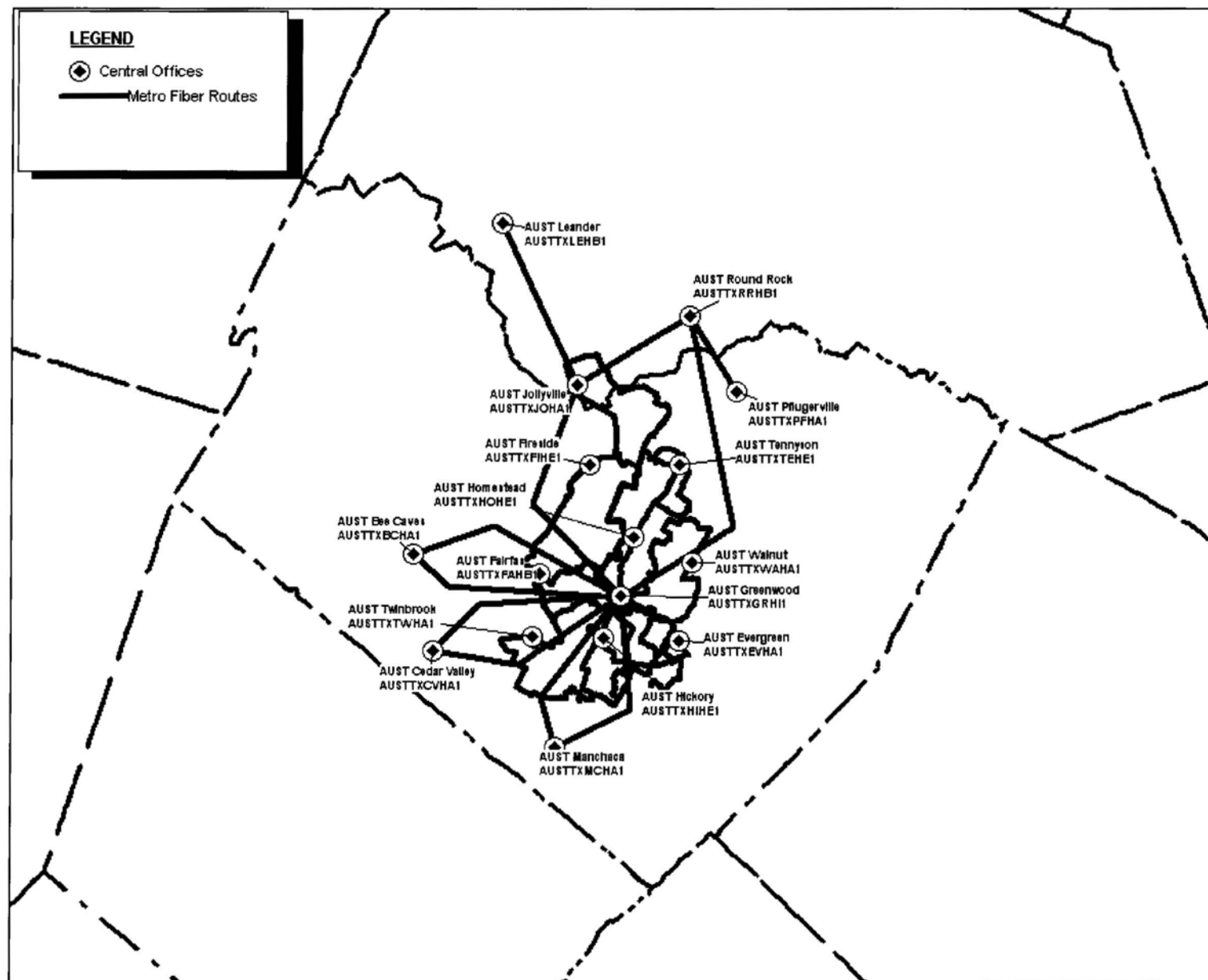
- In Texas, Alpheus has repeatedly established the right to use UNEs to provide wholesale telecommunications services.
- Texas PUC has Ruled 3 times:
 - 1999: CLECs "entitled by law and by contract to provide wholesale access service over UNEs"
 - 2002: CLECs "may continue to purchase UNEs and use them, alone or in combination with their own facilities, to provide wholesale services to other providers"
 - 2005: CLEC "ICA should not prohibit . . . use of UNEs" for wholesale services

LEGEND

- Central Offices
- Metro Fiber Routes



Austin Metro Area Schematics



APPROVALS

DRAWN BY	DATE 7/25/2005
CHECKED BY	DATE
DESIGN COORD.	DATE
PROJECT SUPERV.	DATE
OPERATIONS	DATE

REVISIONS

NO.	DESCRIPTION	DATE

DRAWING DATA

HOR. SCALE:	1"=1'
VERT. SCALE:	PROJECT ID:
File No.:	

DATE August 14, 2005

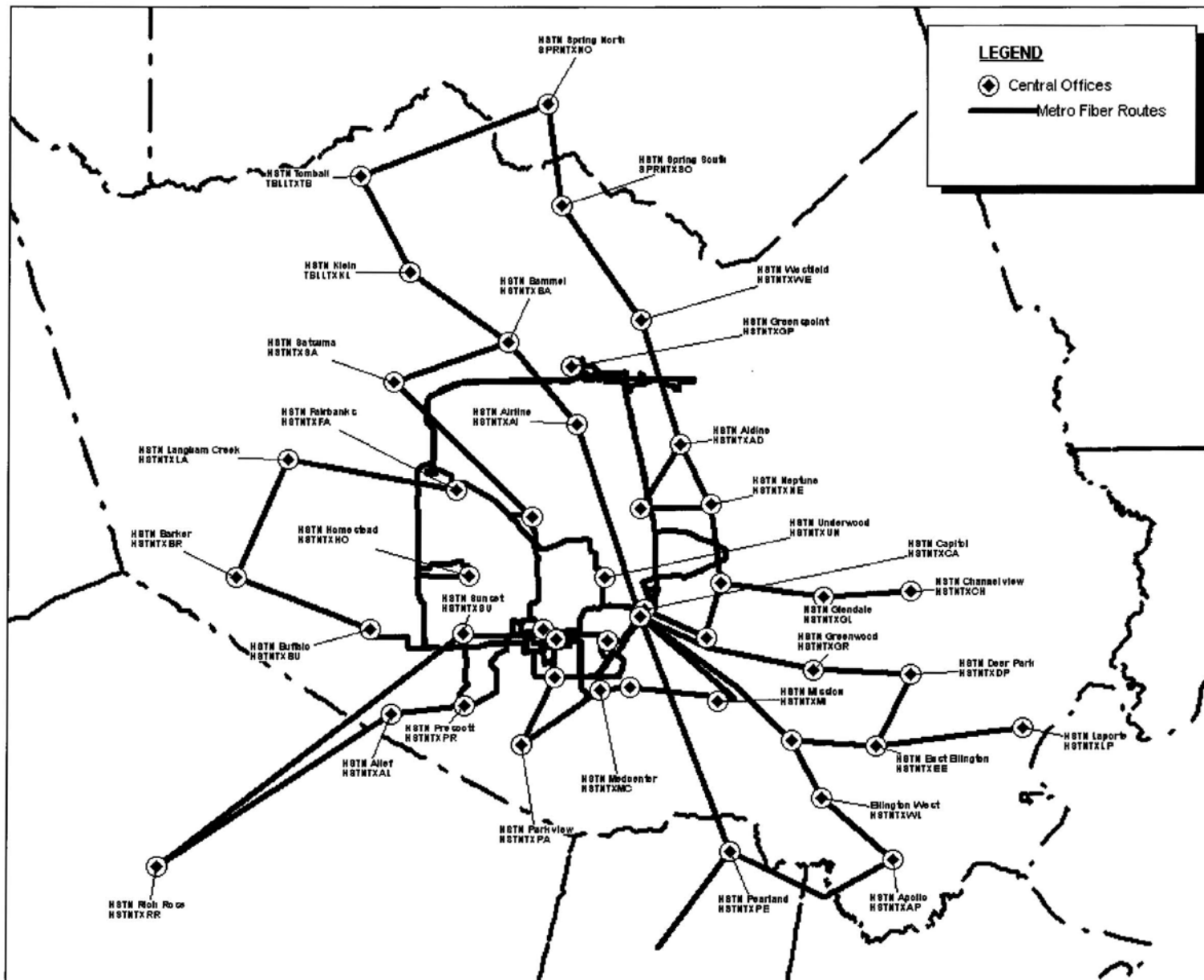
01 OF 01

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ALL UNDERGROUND OBSTRUCTIONS AND UTILITIES PRIOR TO CONSTRUCTION. COMPLETE REPAIR OF
ANY AND ALL DAMAGES INCURRED SHALL BE AT THE EXPENSE OF THE CONTRACTOR.



CALL BEFORE YOU DIG
UNDERGROUND SERVICE ALERT
48 HOURS NOTICE REQUIRED.
CALL: 1-800-488-6868



LEGEND

◆ Central Offices

— Metro Fiber Routes



Houston Metro Area Schematics

APPROVALS		
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PROJECT SUPV.	DATE	
OPERATIONS	DATE	
REVISIONS		
NO.	DESCRIPTION	DATE

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DATE August 14, 2005

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 UNDERGROUND SERVICE ALERT
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 CALL: 1-800-488-7827

LEGEND

- Central Offices
- Metro Fiber Routes



ALPHEUS

San Antonio Metro Area Schematics

APPROVALS

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DESIGN COORD.	DATE
PROJECT SUPV.	DATE
OPERATING	DATE

REVISIONS

NO.	DESCRIPTION	DATE

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FILE NO.:	

DATE: August 14, 2005

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UNDERGROUND SERVICE ALERT
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CALL: 1-800-486-6347



Alpheus Texas Long Haul Fiber

Alpheus is able to offer redundant wholesale transport across the core of Texas, including the Rio Grande Valley.

